

AUG 11 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

ALONSO GUSTAVO VELAZQUEZ
HERNANDEZ; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-76043

Agency Nos. A75-707-616
A75-707-617
A75-707-618

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 7, 2006 **

Before: SCHROEDER, Chief Judge, REINHARDT, and HAWKINS, Circuit Judges.

Respondent's motion to dismiss for lack of jurisdiction and motion for
summary affirmance is granted in part and denied in part.

Respondent's motion to dismiss for lack of jurisdiction is denied.

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See* 8 U.S.C. § 1229b(b)(1)(A) (requiring alien to be "physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application" to establish eligibility for cancellation of removal); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.